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10	Co-Lead Counsel for Plaintiffs	
11	UNITED STATES DISTRICT COURT	
12	NORTHERN DISTRICT OF CALIFORNIA	
13	OAKLAND DIVISION	
14	In re RIPPLE LABS INC. LITIGATION) Case No. 4:18-cv-06753-PJH
15	This Document Relates To:	CLASS ACTION
16 17	ALL ACTIONS.	DECLARATION OF BRIAN O. O'MARA IN SUPPORT OF PLAINTIFFS' NOTICE OF MOTION AND MOTION TO REMAND
18		DATE: February 13, 2019
19		TIME: 9:00 a.m. CTRM: 3, 3rd Floor
20		JUDGE: Hon. Phyllis J. Hamilton
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I, BRIAN O. O'MARA, declare as follows:

- I am an attorney duly licensed to practice before all of the courts of the State of California and before this District Court. I am a member of the law firm Robbins Geller Rudman & Dowd LLP, counsel of record for Plaintiffs Vladi Zakinov and David Oconer (together, Plaintiffs) in the above-captioned action. I make this declaration in support of Plaintiffs' Motion to Remand. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.
- 2. On August 30, 2018, following stipulation among the parties in Zakinov, et al. v. Ripple Labs Inc., et al., No. 18-CIV-02845 (Cal. Super. Ct. San Mateo Cty.) ("Zakinov") and David Oconer v. Ripple Labs Inc., et al., No. 18-CIV-03332 (Cal. Super. Ct. San Mateo Cty.) ("Oconer"), the Honorable Richard H. DuBois ("Judge DuBois") of the ("San Mateo Superior Court") entered an Order (the "First Consolidation Order") consolidating Zakinov and Oconer under the caption In re Ripple Labs Inc. Litig., No. 18-CIV-02845 (Cal. Super. Ct. San Mateo Cty.) ("In re Ripple Labs"). ECF No. 2-1, Ex. E. The First Consolidation Order ordered Plaintiffs to "either designate a complaint as operative or file a Consolidated Complaint," and further provided that in the event any case "which properly belongs as part of the *In re Ripple Labs Inc. Litigation*, is hereafter or has been filed in, remanded to, or transferred to this Court, counsel for the parties shall . . . mov[e] the Court for an order consolidating such case(s) with In re Ripple Labs." See ECF No. 2-1, at Ex. E, ¶8, 15.
- 3. As directed by the First Consolidation Order, Plaintiffs filed the Consolidated Complaint for Violations of California Law ("Operative State Law Complaint") on October 15, 2018. ECF No. 2-1, at Ex. A. The Operative State Law Complaint was, and is, the operative complaint in the consolidated action: In re Ripple Labs. A Case Management Conference ("CMC") was scheduled for November 16, 2018 at 10:30 a.m. ECF No. 2-1, at Ex. F.

Consistent with the requirements of the First Consolidation Order, ECF No. 2-1, Ex. E. Plaintiffs filed a consolidated complaint on October 15, 2018, on behalf of themselves and a "class consisting of all citizens of California who purchased XRP" against Defendants and asserting claims under California Corps. Code §§25110, 25503 and 25504. *Id.* at Ex. A, ¶¶1, 7, 80.

All citations and footnotes omitted and emphasis added unless otherwise indicated.

4. On November 1, 2018, counsel for Plaintiffs contacted counsel for the defendants named in the Operative State Law Complaint to schedule a call to discuss the upcoming November 16, 2018, Case Management Conference ("CMC"). Counsel scheduled the call for the afternoon of November 7, 2018.

- 5. On November 7, 2018, Plaintiffs convened a conference call in advance of and to prepare for the scheduled CMC with Judge DuBois. During the teleconference, counsel for Defendants revealed that the call was unnecessary as Defendants would be filing a notice of removal shortly based on the consolidation of Avner Greenwald v. Ripple Labs, Inc., a Delaware Corp., et al., No. 18-CIV-03461 (Cal. Super. Ct. San Mateo Cty.) ("Greenwald") into In re Ripple. Plaintiffs' counsel pointed out that no party had sought consolidation and that the consolidation had been entered in error. Plaintiffs' counsel also emailed plaintiffs' counsel in *Greenwald* and asked that he join the call, and attempted to conference in Judge DuBois' chambers, but he was unavailable.
- 6. Plaintiffs' counsel further explained that there is no basis to remove the actions and requested that Defendants not remove this action until the issue could be raised with Judge Dubois at the upcoming CMC and explained that Defendants would still have sufficient time in which to remove the action following the CMC. Defendants' counsel suggested that we get off the call and reconvene so that he could consider our points.
- Upon reconvening the call, Defendants' counsel stated only that they were moving 7. forward with the removal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 7th day of December, 2018, in San Diego, California.

> s/ Brian O. O'Mara BRIAN O. O'MARA

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